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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
TED A. WROBEL)
)
-VS-) No. 09-0206
)
COMMONWEALTH EDISON COMPANY)
)
Complaint as to billing/charges)
in Chicago, Illinois)

Chicago, Illinois

May 6, 2009

Met, pursuant to notice, at

1:30 o'clock p.m.

BEFORE :

MR. JOHN RILEY,
Administrative Law Judge

APPEARANCES :

MR. JOHN WROBEL (via telephone)
505 Lake Shore Drive
Suite 1101
Chicago, Illinois
 appearing pro se;

1 APPEARANCES (continued):

2 MR. MARK L. GOLDSTEIN
3 3019 Province Circle
4 Mundelein, Illinois
5 appearing for Commonwealth
6 Edison Company
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18 SULLIVAN REPORTING COMPANY, by
19 PATRICIA WESLEY
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1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I call Docket 09-0206.
3 This is a complaint by Ted A. Wrobel --

4 MR. WROBEL: What's happening?

5 JUDGE RILEY: Excuse me. Let me introduce the
6 record.

7 MR. WROBEL: What's happening here?

8 JUDGE RILEY: Just a second.

9 Pursuant to the direction of the
10 Illinois Commerce Commission, I call Docket 09-0206.
11 This is complaint by Ted A. Wrobel versus
12 Commonwealth Edison Company as to a complaint as to
13 billing and charges in Chicago, Illinois.

14 Mr. Wrobel, could you -- you are
15 presently residing at 505 Lake Shore Drive,
16 Apartment 1101, in Chicago?

17 MR. WROBEL: Yes. Can you explain to me what's
18 happening? Did you get the verification of my
19 health condition?

20 JUDGE RILEY: Just a second. I will get to that.

21 Mr. Goldstein, would you enter an
22 appearance for the record, please.

1 MR. GOLDSTEIN: On behalf of Commonwealth Edison
2 Company, Mark L. Goldstein, 3019 Province Circle,
3 Mundelein, Illinois, 60060. My telephone number is
4 847-949-1340 and I have with me today John Parise of
5 Com Ed.

6 JUDGE RILEY: Let the record show Mr. Robert Koch
7 of the Illinois Commerce Commission, Consumer
8 Services Division, is also on the line.

9 Mr. Koch is there anyone on the line
10 with you?

11 MR. KOHL: There is nobody on the line with me.
12 I do have Joan Howard who's here in Springfield.

13 MR. WROBEL: What is happening, Judge Riley?

14 JUDGE RILEY: Mr. Wrobel, earlier this morning
15 you had made a request for a continuance due to
16 reasons of health.

17 MR. WROBEL: Correct.

18 JUDGE RILEY: Yes, I do have the fax from your
19 doctor, and the final thing I have to do is get a
20 response from Commonwealth Edison with regard to
21 that request because we had an emergency hearing
22 scheduled this morning or this afternoon.

1 Mr. Goldstein, what is your response to
2 Mr. Wrobel's request for a continuance?

3 MR. GOLDSTEIN: Yes, Judge. As I understand the
4 notice that was sent out on May 1st by the
5 Commission in this matter setting today for the
6 hearing, this is an emergency hearing and it's for
7 the purpose of trying to --

8 MR. WROBEL: Wait a minute. Wait a minute. Wait
9 a minute.

10 MR. GOLDSTEIN: -- trying --

11 MR. WROBEL: I don't even know what's going on.

12 JUDGE RILEY: Mr. Wrobel, just to set the stage
13 for you, I have convened the parties on a telephonic
14 conference call for a previously scheduled
15 emergency hearing. The first issue that we are
16 dealing with is the matter of your request for a
17 continuance for this hearing.

18 MR. WROBEL: Yes.

19 JUDGE RILEY: I have got the motion from you to
20 continue this matter. Now I am getting
21 Mr. Goldstein's response. I want to hear what
22 Mr. Goldstein's response is.

1 MR. GOLDSTEIN: Judge, this was set for an
2 emergency hearing this afternoon. In the meantime,
3 upon receipt of the notice from the Commission,
4 Com Ed reconnected Mr. Wrobel's service. It did so
5 despite the fact that there is no basis in
6 Mr. Wrobel's complaint for even having a hearing,
7 and since he's not -- he hasn't really alleged
8 anything or any violation of any of the rules of the
9 Commission or the Public Utilities Act or
10 anything --

11 MR. WROBEL: I haven't had a chance to. I just
12 got notification of this a day ago.

13 JUDGE RILEY: Mr. Wrobel, please.

14 Continue, Mr. Goldstein.

15 MR. GOLDSTEIN: Now with respect to Mr. Wrobel's
16 inquiry about health, I certainly have not received
17 anything that would tell me what his problems are.

18 The matter was September for this
19 afternoon. Vto be quite frank about it, Judge, we
20 want to disconnect Mr. Wrobel's service immediately
21 because we do not believe that there is any basis in
22 law or in fact for Mr. Wrobel to continue to have

1 service.

2 I would point out to your Honor, as
3 your Honor well knows since you were the judge in a
4 previous matter, that Mr. Wrobel had -- in Docket
5 07-0545 the Commission dismissed that matter with
6 prejudice based upon a stipulation and joint motion
7 to dismiss, which was filed by me and signed by
8 Mr. Wrobel based upon a settlement agreement that
9 Mr. Wrobel entered into with Commonwealth Edison
10 Company.

11 MR. WROBEL: Your Honor --

12 JUDGE RILEY: No. No. He's not finished yet.
13 Just a moment.

14 MR. GOLDSTEIN: Mr. Wrobel violated the terms of
15 the agreement. The agreement is very clear.

16 MR. WROBEL: I cannot continue with this. I have
17 a very serious health matter.

18 MR. GOLDSTEIN: Well --

19 MR. WROBEL: Your Honor, I need a continuance so
20 I can conduct this. I have deadly, deadly blood
21 pressure, and deadly diabetes, and a multitude of
22 other conditions.

1 JUDGE RILEY: Now, Mr. Wrobel, you were at the
2 doctor's earlier today?

3 MR. WROBEL: Yes.

4 JUDGE RILEY: Were you treated at the doctor for
5 these conditions?

6 MR. WROBEL: Yes.

7 JUDGE RILEY: Are you back home now?

8 MR. WROBEL: Yes.

9 JUDGE RILEY: And you are saying that you cannot
10 go forward? You cannot even listen to
11 Mr. Goldstein's --

12 MR. WROBEL: No, I cannot.

13 JUDGE RILEY: -- response?

14 MR. WROBEL: I cannot. I'm completely out of it
15 right now.

16 JUDGE RILEY: When --

17 MR. WROBEL: I need a of couple days to a week so
18 they can stabilize my condition. They have had to
19 put me on a whole new litany of new medicine.

20 MR. GOLDSTEIN: Has Mr. Wrobel checked into the
21 hospital? Is he planning on doing it?

22 MR. WROBEL: I already did last week when you

1 disconnected my power. I was at Northwestern
2 Memorial. I got records to substantiate it and
3 damages.

4 JUDGE RILEY: Mr. Goldstein, to make a long story
5 short, are you opposing the continuance --

6 MR. GOLDSTEIN: Yes, I am, Judge.

7 JUDGE RILEY: -- motion for continuance?

8 MR. GOLDSTEIN: Yes, I am, Judge. This is a
9 hearing to determine whether Commonwealth Edison
10 should --

11 MR. WROBEL: I am disabled and I am handicapped
12 as well.

13 JUDGE RILEY: Mr. Wrobel, we heard all that. Let
14 Mr. Goldstein finish.

15 MR. GOLDSTEIN: Yes, I would appreciate that.

16 As I was about to say, Judge,
17 Mr. Wrobel's condition is well-known to us. We have
18 dealt with that before. He's violated the agreement
19 that he had with Commonwealth Edison Company. At
20 the very minimum --

21 MR. WROBEL: No. Your phone service wouldn't
22 allow me to execute payment.

1 MR. GOLDSTEIN: At the very minimum, there are
2 multiple ways of providing payment to Com Ed, and
3 Mr. Wrobel certainly has had the opportunity to
4 avail himself of another way of paying it, if, in
5 fact, he is correct about paying telephonically.

6 If you want to pay now, Mr. Wrobel,
7 please, we can make arrangements immediately for you
8 to do so.

9 MR. WROBEL: That's not -- you know, you are not
10 the judge in this matter.

11 MR. GOLDSTEIN: Well, that's correct.

12 MR. WROBEL: There's discrepancies on the bill.
13 There's discrepancies of a multitude of thing that I
14 was going to address at the Commission on.

15 MR. GOLDSTEIN: But none of those discrepancies
16 are described in Mr. Wrobel's complaint, Judge.

17 MR. WROBEL: I believe they have been with Ken
18 Kushner.

19 MR. GOLDSTEIN: And the bottom line of it all,
20 Judge, is that Mr. Wrobel signed a stipulation to
21 this --

22 MR. WROBEL: No, you violated the agreement,

1 Mr. Goldstein.

2 MR. GOLDSTEIN: -- in a settlement

3 agreement --

4 MR. WROBEL: No, you violated the agreement.

5 MR. GOLDSTEIN: -- and never made the payments
6 under the agreement. And so whatever his problems
7 are with that agreement, they're all over and done
8 with because the Commission lost jurisdiction once
9 the Commission entered into the stipulation and
10 joint motion to dismiss with prejudice --

11 MR. WROBEL: Your Honor, I ask you to --

12 MR. GOLDSTEIN: -- and Mr. Wrobel failed to
13 appeal that order of the Commission and more
14 than -- approximately one year has gone by since the
15 Commission entered that order --

16 MR. WROBEL: That was the purpose of re-filing.
17 You violated the agreement.

18 MR. GOLDSTEIN: -- on June 2008.

19 And I would also point out, Judge, that
20 if, in fact, that's the case, Mr. Wrobel did not
21 assert that or allege that in his complaint that
22 Commonwealth Edison Company violated the settlement

1 agreement that he entered into and whatever it is
2 it's all over and done with.

3 JUDGE RILEY: Mr. Wrobel, what is your response
4 to Mr. Goldstein? He has opposed the motion for a
5 continuance for today's emergency hearing.

6 MR. WROBEL: Well, first of all, first of all, he
7 has blatantly lied about the statements he's made.
8 He, in fact, is the one that violated the terms of
9 the agreement. That's why I re-entered it with Ken
10 Kushner, and I need a continuance. I need a
11 continuance for at least a week until they can get
12 the new medicine working properly and get me
13 stabilized.

14 JUDGE RILEY: One of the things that makes it so
15 difficult, Mr. Wrobel, is that no one here has ever
16 even seen you. In all the complaints you have
17 filed, including this one, you have never made an
18 appearance at our offices and yet you live barely
19 two miles away.

20 MR. WROBEL: That's because I'm handicapped and
21 I'm disabled.

22 JUDGE RILEY: But you were able to get to your

1 doctor's office today.

2 MR. WROBEL: That is correct. I have a neighbor
3 that drove me.

4 JUDGE RILEY: Can't your neighbor drive you
5 another two or three blocks to our offices? We are
6 no more than --

7 MR. WROBEL: No.

8 JUDGE RILEY: -- two or three block away.

9 MR. WROBEL: The doctor's statement clearly
10 states, your Honor, of my condition and we have a
11 letter from last week as well.

12 JUDGE RILEY: Let me read the doctor's statement
13 signed by Dr. Daniel Witoff (phonetic) and it says
14 "To whom it may concern, Mr. Wrobel is in my office
15 today for blood pressure and blood sugar tests.
16 Upon taking his blood pressure, it was very high,
17 110/180. His sugar was 118.

18 We feel at this time we are keeping him
19 in our office to monitor him until we can get it
20 under control. We do not want the patient to leave
21 the office with a pressure this high. We will
22 release him when it has come down."

1 He has obviously released you so your
2 pressure has come down.

3 MR. WROBEL: Now it's even higher so I'm going to
4 have to go back over to Northwestern.

5 JUDGE RILEY: Why is your blood pressure higher?
6 How do you know it's higher?

7 MR. WROBEL: Because I have a monitor here and
8 now it's even gotten worse with this phone call.

9 JUDGE RILEY: When are you going to pursue your
10 complaint, Mr. Wrobel?

11 MR. WROBEL: I told you I need a week.

12 MR. PARISE: Your Honor, can I enter --

13 JUDGE RILEY: Go ahead.

14 MR. PARISE: While Com Ed is compassionate and
15 sympathetic to his condition --

16 MR. WROBEL: I can't hear you. You are breaking
17 up on me.

18 MR. PARISE: Why Com Ed is compassionate and
19 sympathetic to your condition, you have had previous
20 doctors' certificates with us where we forestalled
21 the disconnection of service.

22 MR. WROBEL: That has nothing to do with my

1 current condition.

2 MR. PARISE: Let me finish, please, Mr. Wrobel.

3 By tariff, you are allowed to get a doctor's

4 certificate and enter into a deferred payment

5 arrangement, and once you pay it up, you can get as

6 many as you can. You had a doctor's certificate in

7 the past.

8 You never did complete your deferred

9 payment arrangement and, therefore, you don't

10 qualify again. So if you want to continue the

11 service, either you pay the bill or I suggest you

12 make arrangements to move to a location where you

13 can be comfortable.

14 JUDGE RILEY: Mr. Wrobel --

15 MR. WROBEL: Your Honor --

16 JUDGE RILEY: Yes.

17 MR. WROBEL: -- this is just gotten beyond the

18 scope of -- you know, I mean, I am fighting all

19 kinds of things right now and I'm asking for a

20 continuance. Do you understand that?

21 JUDGE RILEY: I understand perfectly, and I'm not

22 leaning that way at all, Mr. Wrobel.

1 MR. WROBEL: I need service for a week until I
2 can address these things.

3 JUDGE RILEY: For what reason can you not make
4 arrangement with Com Ed?

5 MR. WROBEL: Because of my medical condition.

6 JUDGE RILEY: I don't understand that. All
7 Commonwealth Edison is asking you to do is pay your
8 bill. Why can't you pay your bill?

9 MR. WROBEL: Because it's an improper amount.
10 It's about \$800 incorrect.

11 JUDGE RILEY: You haven't said that in your
12 complaint.

13 MR. WROBEL: Yes, I did to Ken Kushner.

14 JUDGE RILEY: No. It says absolutely nothing in
15 this complaint.

16 MR. WROBEL: I talked to Ken at great length
17 about it.

18 MR. PARISE: Your Honor, in that case, to try to
19 make a concession for the customer, if he thinks --

20 MR. WROBEL: I would be happy to give you \$2,000.

21 JUDGE RILEY: Now?

22 MR. WROBEL: Well, tomorrow morning absolutely if

1 you would take a credit card.

2 MR. PARISE: I don't know if we can take a credit
3 card. If you have had other payments that have been
4 blocked, you can go to an agent and pay that.

5 MR. WROBEL: I am more than happy to pay an
6 agent.

7 MR. PARISE: I will accept \$2,000, and let's
8 schedule the evidentiary hearing, your Honor.

9 JUDGE RILEY: All right.

10 MR. WROBEL: I need a day because I'm going to
11 have to go over to Northwestern.

12 MR. PARISE: By close of business tomorrow, it
13 needs to be paid. If it's not paid, it will be
14 disconnected.

15 MR. WROBEL: Now here's what I need to know.
16 Here's what I need to know. I need to know like
17 some kind of receipt order. I don't understand any
18 of this right now. I'm very confused because of my
19 condition.

20 MR. PARISE: Mr. Wrobel, we are on the record
21 just so you know.

22 MR. GOLDSTEIN: Explain how he can get credit for

1 2000.

2 MR. WROBEL: Hello?

3 JUDGE RILEY: Yes.

4 MR. PARISE: Where are you planning on paying the
5 \$2,000, Mr. Wrobel?

6 MR. WROBEL: Like where would I even do that? I
7 have never done this before. I have actually \$1800
8 right now available. Unfortunately, I can't get
9 around to cash other checks because of my condition,
10 but I can have someone drop that at a payment
11 center, wherever that is.

12 MR. PARISE: I think --

13 MR. WROBEL: I have \$1800 in cash.

14 MR. PARISE: Well, you want to pay \$1800 in cash,
15 why don't you go to the nearest currency exchange.

16 MR. WROBEL: Can I have someone drop it off with
17 the account number? How does this work?

18 MR. PARISE: You can take it to a currency
19 exchange. You should have a copy of your bill
20 there. You can take your bill with you.

21 MR. WROBEL: I do not. That's part of the
22 complaint.

1 JUDGE RILEY: All right. Doesn't Commonwealth
2 Edison have a --

3 MR. PARISE: I have his account number.

4 JUDGE RILEY: -- payment office?

5 MR. WROBEL: And Ken Kushner knows about that as
6 well.

7 MR. PARISE: Do you have a pencil and paper,
8 Mr. Wrobel?

9 MR. WROBEL: No, I do not.

10 MR. PARISE: I have your account number here.
11 What you could do is go into the currency exchange
12 and ask --

13 MR. WROBEL: Would they be able to give it to the
14 person that's going --

15 MR. PARISE: You have to call Com Ed to get your
16 account number. You don't have any of your past
17 bills?

18 MR. WROBEL: No, I told you that's part of the
19 problem. I haven't gotten a bill. The only thing I
20 got was a statement that I was suppose to provide
21 for some funding.

22 JUDGE RILEY: Doesn't Com Ed have a --

1 MR. WROBEL: That's the old statement.

2 JUDGE RILEY: -- facility where they can just

3 drop off a check?

4 MR. PARISE: (Shaking head.)

5 Mr. Wrobel --

6 MR. WROBEL: Yes.

7 MR. PARISE: -- the letter that you have in your

8 possession does it have the account number on that?

9 MR. WROBEL: What letter?

10 MR. PARISE: You just said that you had a letter

11 from Com Ed.

12 MR. WROBEL: I don't have a letter.

13 JUDGE RILEY: Is it our understanding you don't

14 have a pencil and a piece of paper any where in your

15 apartment?

16 MR. WROBEL: Not right now. I am incapacitated.

17 I can get the number if that's what you are asking.

18 MR. PARISE: I don't have at this point in time

19 access to information regarding where you can pay

20 your bill, but what I can do is tell you to call the

21 1 --

22 MR. WROBEL: If you could just tell me where I

1 can --

2 MR. PARISE: I just told you I don't have access
3 to the information on exactly the closest place for
4 to you pay your bill. What you can do is you can
5 call the 1-800-Edison-1, 1-800-334-7661, and ask
6 them where you can pay your bill. They will tell
7 you. You go there and pay the 1800. Let me make
8 sure you understand. It's 1800 in cash; is that
9 correct?

10 MR. WROBEL: Yeah, absolutely.

11 MR. PARISE: Go pay it there and then you can
12 have them notify us that the bill was paid.

13 MR. WROBEL: Right.

14 MR. PARISE: It's an immediate transaction at one
15 of our agents and so we will see it then.

16 MR. WROBEL: Will they give me some kind of
17 verification?

18 MR. PARISE: They will give you a receipt, right.

19 MR. WROBEL: Okay.

20 MR. PARISE: Just so we are on the same page, I
21 will give you through close of business tomorrow to
22 take care of that transaction. If you don't pay it

1 and we don't get notified by close of business
2 tomorrow, the power will be turned off the next
3 day --

4 MR. WROBEL: Okay.

5 MR. PARISE: -- just so you understand. I want
6 to make it clear.

7 MR. WROBEL: All right. I will notify you as
8 well, your Honor.

9 JUDGE RILEY: Okay. I would appreciate that. So
10 those terms are clear to you then? You understand
11 that, right?

12 MR. WROBEL: Right.

13 JUDGE RILEY: And you --

14 MR. WROBEL: There's a discrepancy over -- I
15 actuarialized (sic) with my people of about \$800 in
16 charges.

17 JUDGE RILEY: Do you have that 800 number that
18 you can call to find out where to make payment?

19 MR. WROBEL: I can find it.

20 MR. PARISE: It's 1-800-Edison-1.

21 MR. WROBEL: Okay. That's easy to remember.

22 JUDGE RILEY: 1-800-Edison-1, right?

1 MR. WROBEL: Yes.

2 JUDGE RILEY: If you forget the number, call me
3 and I will remind you.

4 MR. WROBEL: All right. So where do we proceed
5 from now?

6 JUDGE RILEY: All right. Then we had previously
7 set May 19th as a pre-hearing conference.

8 MR. WROBEL: Okay.

9 JUDGE RILEY: And my feeling now is to reset
10 that, keep the same day, 10 a.m., and reset it for
11 the evidentiary hearing on your complaint.

12 MR. WROBEL: Okay.

13 JUDGE RILEY: That's May 19th at 10 a.m., and a
14 notice will be sent to you from our office of the
15 Chief Clerk.

16 MR. WROBEL: All right. So we are all clear on
17 this?

18 MR. PARISE: Let's just confirm again. By close
19 of business tomorrow, you are going to pay \$1800 and
20 if it's not paid tomorrow --

21 MR. WROBEL: Correct.

22 MR. PARISE: -- we will be out to disconnect it

1 the following day.

2 MR. WROBEL: Is there any fees attached with
3 paying this?

4 MR. PARISE: I don't believe so.

5 MR. WROBEL: Okay.

6 MR. PARISE: At a currency exchange there could
7 be.

8 MR. WROBEL: And how much is that because all I
9 have is -- and I can't get to the bank. Getting
10 around is a problem.

11 MR. PARISE: If you go to one of our authorized
12 agents, I don't believe there is a charge at all.

13 JUDGE RILEY: So find out from 1-800-Edison-1 who
14 that is.

15 MR. WROBEL: That's very helpful. Thank you.

16 JUDGE RILEY: And then May 19, 2008 at 10 a.m.,
17 we will convene for a hearing on your complaint.

18 MR. WROBEL: All right.

19 JUDGE RILEY: And the Office of the Chief Clerk
20 of the Commission will send you a notice to that
21 effect.

22 MR. WROBEL: All right. Wish me well, guys.

1 JUDGE RILEY: Thank you very much. Good day.
2 (Whereupon, the above
3 matter was adjourned,
4 to be continued to
5 May 19, 2009 at
6 10 o'clock a.m.)
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